

Responding to DV in Housing Programs

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Welcome!

Table Introductions:

What is the biggest challenge when working with domestic violence survivors?

Why Talk About DV?

- **Prevalence across all populations**
- **DV is a leading cause of homelessness for women and children (families) in the U.S.**
 - **Survivors often must leave housing to escape DV**
 - **May need to leave due to change in income**
 - **May be evicted due to abuser's behavior**
 - **DV interferes with ability to access housing - bad credit, poor rental histories, safety needs**
 - **Abusers sabotage survivor's economic stability - trouble paying deposit, rent and utilities**

UNDERSTANDING THE DYNAMICS

- **DV is a pattern of coercive power and control**
- **Both perpetrators and victims may use violence**
- **Survivors may have additional fears, beyond physical safety (ex. deportation; losing custody; criminal legal system)**

DV & TRAUMA: Extensive and Enduring

- Trauma: Whenever an external threat overwhelms a person's coping resources
- SAMHSA: 80-90% of women seeking services report histories of violence
- SHARE Study: Over 94% experienced PTSD; average score equal or higher than that of returning veterans of combat
- Not a single event, but an ongoing series of events woven throughout the life cycle
- Inter-generational cycle of trauma may keep recurring within families and communities, often spanning several generations.

How Trauma Works

- Stress of traumatic experiences induces changes in brain structure and function; essentially “re-wires” brain circuits
- PTSD symptoms are thought to be the behavioral manifestation of these changes
- So – trauma responses are *completely normal* for a human being who’s adapted to a traumatizing life
- These strategies may be long-term patterns and not easily discarded

How It May Show up

- Hyper-arousal, flashbacks, nightmares, startle reaction
- Memory and concentration problems
- Short attention span; easily distracted
- Problem-solving deficits
- Intrusive thoughts, confusion
- Slow reaction time
- Loss of sense of time and space
- Decreased awareness of self and others
- Trouble understanding abstract concepts
- Compromised information- processing
- Trouble following complex directions

What it May Be Mistaken For

- Apathy
- Poor self-worth
- Lack of follow-through, unreliability
- Disinterest in getting help
- Uncooperative or oppositional manner
- “Spaciness”
- Poor judgment, inability to make good choices
- Deeper mental health issues

Importance of Trauma-Informed Approaches (across all systems)

- Shaming or negative experiences with systems reduce help-seeking behavior
- Bad experiences can reinforce abuser's message: "No one cares about you, no one can help you."
- Trauma survivors are extremely strong and resilient – in supportive environment can developing new tools for coping
- Trauma informed approaches are closely aligned with domestic violence survivor-driven advocacy

Key Elements of T-I Approaches

- SAFETY – Physical and emotional
- TRUSTWORTHINESS – Transparency, clarity, consistency, and healthy boundaries
- CHOICE – Support survivor's rights to make own choices and have control of her/his plan
- COLLABORATION – Avoid hierarchy; work as partners and share power
- EMPOWERMENT – help with survivor's skill-building rather than doing things FOR her/him

Examples of Strategies

Minimize distractions, maximize safety	Help with setting priorities
Don't rush or try to do too many things at once	Discuss possible consequences of specific choices
Be clear, repeat main points, and check that s/he has understood	Provide clear, honest, respectful feedback about behavior
Outline small steps involved in bigger tasks	Prepare for/rehearse hard tasks; identify potential triggers
Write things down, make checklists	Avoid need to make decisions quickly or under stressful conditions
Offer help in her/his communication with other agencies, forms, etc.	De-brief; celebrate successes, address set-backs in constructive non-blaming manner

A stylized, light brown illustration of a plant with several leaves and a cluster of small, round buds or flowers, positioned on the left side of the slide.

HISTORICAL TRAUMA

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Historical Trauma

- Also called *multi-generational* trauma or *trans-generational* trauma
- Trauma that is *passed on from one generation to the next* because of psychological, social, and environmental traumatic conditions and stressors that are unresolved within a family system, community, or population
- The trauma inflicted was also directed at the *removal and destruction of culture*.

Native Context

- Early Period Sovereignty
- Indian Removal Period 1816 to 1846
- Boarding School Era begins 1850's to 1950's
- Reservation Period middle to late 1800's
- Policy of Termination 1944 to 1958
- Indian Child Welfare Act 1978





Slavery Context

- Black Codes 1667
- Slave Codes 1820's
- Emancipation Proclamation 1863
- Jim Crow Laws Late 1800's to early 1900's
- Civil Rights Act (citizenship) 1866
- Segregation & Discrimination 1800's-mid 1900's
- Brown v. Board of Education 1954
- Civil Rights Act 1964

Hispanic/Latino/Immigrant Context

- Spanish colonization and governance 1765–1821
- Mexican era 1821–1846
- United States era beginning 1846
- Treaty of Guadalupe-Hidalgo 1848
- Chinese Exclusion Act 1882
- Birth of the Border Patrol 1924
- Internment camps and detention facilities 1941-1946
- Immigration and Nationality Act 1952
- Changes to a preference system 1965



Destruction of Culture

- The trauma inflicted on people was also directed at the **removal and destruction of culture**.
- Language, spirituality, sense of family structure were systematically destroyed.
- Boarding schools were a place that systematically attempted to destroy the family system and the sense of family.
- The destruction of culture left many people empty and searching for their soul.

Why is this important?

- Many of the problems we face in families and communities can be directly linked to the *multi-generational/trans-generational* trauma.
- For each generation that doesn't address historical trauma, the trauma effects carry forward to the next generation.

Internalized Oppression

Violence gone inward; when violence gets internalized we then see some of the following:

1. Addictive behaviors
2. Depression/suicidal ideation
3. Chronic physical problems such as diabetes, hypertension

These life conditions can be interpreted as violence towards one's self.

4. Loss of identity making it easier to commit violence towards one's self or the ones closest to us.

Where do we go from here?

- Interventions must include socio-historical factors
- Community programs must insist on cultural competency, otherwise the historical trauma continues to be reinforced
- People working in the community must know and demonstrate that they have competency to work in the community
- Trans-generational trauma must be addressed by providers and they must take responsibility for their part in this history

Our Approaches to Advocacy

- **Self-Determination**
- **Emotional & Physical Safety Oriented**
- **Trauma Informed**
- **Strength Based**
- **Voluntary Services – Self Directed**

IS RAPID REHOUSING TRAUMA INFORMED?

Can Rapid Rehousing work for domestic violence survivors?

Cont. Assessing for Coercive Control



Connie Burk ● The NW Network ● nwnetwork.org

National LGBT Training & Technical Assistance Initiative
Training ● Consultation ● Clearinghouse ● Policy

Note: This session builds on the plenary presentation ***“Context & Coercive Control”***
And does not stand alone as an Assessment Training.

How:

- **Try** Something
- **Observe** what Happens
- **Reflect** on what Happened
- **Incorporate** what you Learned
- **Try** the Next Thing

Act, Observe, Reflect, Incorporate, Act

Praxis



**When people who batter
have access to survivor services
and advocacy, their control over
their partner **INCREASES**.**

When survivors are put in perpetrator treatment, the survivor's self-determination and level of safety **DECREASES.**

Lessons from LGBT Survivors:

Advocates cannot rely on
gender or a **list of behaviors**
to determine **who is a survivor.**



Advocates use this approach to clarify the:

- Context

- Intent

- Effect

of behaviors, agreements, and events in order to determine who is establishing a system of power and control in an abusive relationship.

There's nothing “essential” about survivors.

The *content* of the agreements are **less important than**:

- How was the agreement decided upon?
- Can the agreement be renegotiated?
Under what conditions?
- Are the consequences reasonable if one person fails to meet the expectations of the agreement?

**We're assessing the best possible
resource available.**

Know Your Role!

Movie vs. Snapshot



Assessing Needs vs. Screening In or Out

Practice mindfulness to:

- Resist “essentializing” survivors/batterers
(Survivors are kind, Batterers are mean)
- Understand that an individual’s class, race, culture, gender *expression*, size or other identities are not indicators of their role in a relationship. *(“Butch women are aggressive—and must be the batterer.”)*
- Notice what comes up in us based on our own values and experiences . *(“ A survivor would never, under any circumstance, ‘out’ their partner as gay.”)*

The Importance of “Debriefing”.



Assessment Tip

Do Ask:

“What....?”

Do Not Ask:

~~*“Why....?”*~~

Ask: *“What was going on for you when you decided to move back in with your partner?”*

Not: ~~*“Why did you move back in with your partner?”*~~

•

**Keep a balance between considering
specific incidents & the cumulative effect.**

What Happened

the who, what, when, where of an
incident

&

The Impact

what happened as a result of
what happened

+

Local

The effect of a particular
incident

&

Global

The overall effect of the
relationship

Local & Global

- Who gained power in the long run?
- Whose life has become smaller?
- Who has less control over their own choices over time?
- Who has disappeared from community spaces?
- Who has less access to their own resources? Community resources?

Context, Intent & Effect

- Blame/entitlement
- Fear vs. Dread
- Lying
- If someone left, who left & how?
- What is keeping the relationship going?
- Isms & Intersectionality
- Sex
- Money & resources
- Connections (friends & family)
- Sleep
- Using institutions
- Using Vulnerabilities
- Physical assaults

When using this approach:

- Practice Praxis!
- Movie not snapshot.
- Talk with co-workers.
- Check your assumptions.
- Do **not** document details!

“Assessment” has changed our work with survivors because

**When we ask the questions,
we have to show up
for the answers.**

**What happens to
survivors matters.**

AND

What survivors do matters.

Praxis:

- Many survivors have done something they are **ashamed of** to resist abuse.
- Many survivors have done something “**on the wheel**” to resist abuse
- Many survivors have **used violence** to resist abuse.

Some lessons from acknowledging survivors use of violence.

- Assessing Coercion Tool—who is establishing/who is surviving abusive power, control & exploitation.
- *All violence* is not the same. **Not all use of force is abusive.**
- Accountability (taking responsibility) is a human skill. Not something we *do to* batterers. People need to be able to be take responsibility, even if only to themselves, for the choices that they make.

When we ignore what survivors do:

- Increases danger to survivor.
- Increases batterer's power.
- Undermines natural supports.
- Undermines self-determination.
- Institutional impacts.
- Crisis service focus.
- We lose credibility and constituents.
- We reinforce or create denial or deceit.



Safety Planning Guidelines

- Safety planning is a process, not a one-time event or check list.
- Safety planning is tailored to the survivor's life and daily activities—each day may even be a little different.
- Ask the survivor what the abuser's power and control tactics are.
- Listen to the survivors and ask what s/he needs.
- Survivor activities and abuser's tactics will guide the safety planning process.

How Can Your Program Help with Safety?

- Have policies in place with your DV agency partner for emergent needs
- Help the victim with other safe housing resources within your program or another program
- Help the abuser with resources if s/he becomes homeless due to exclusion from the unit
- Don't judge or restrict the level of contact they might need to have with each other

Long-Term Safety Planning 1/8/2014

Once a survivor has obtained alternate/transitional or permanent housing, maintaining safety remains a priority

- Safety at home and with children
- Financial safety and independence
- Safety on the job and in public settings
- Safety if using drugs or alcohol
- Don't forget tech safety!

Maintaining Safety at Home and with Children

- Install security mechanisms to include additional locks, bars and electronic security system.
- Have copies of the survivors important documents; birth certificates, insurance information, protection order in an accessible location.
- Teach children how and when to contact emergency personnel; teach children how to communicate with 911 staff.
- Inform good neighbors, school or day car staff and community providers of those who no longer have permission to has access to children.

Maintaining Financial Safety and Independence

- Open a new bank account or use cash to ensure that a survivor can not be traced by the account monitoring.
- Establish a “stash” or savings method in case the survivor may need access to money quick.
- Contact credit bureau and establish a way to monitor credit regularly.
- Protect good credit by contacting company's to determine a survivors level of responsibility to the debt, establish payment arrangements or request hardship assistance.

Maintaining Safety on the Job and in Public

- A survivor can inform his or her boss or upper management of the situation and request that staff screen calls/visitors.
- Travel with other people when possible.
- Use different travel routes while driving or when using public transportation.
- Use different business than normal; use different banks, grocery stores, malls and restaurants.

SAFETY WHEN SURVIVOR USES

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If a survivor is going to use, he or she should:

- Understand that using can create an unsafe situation with for the survivor and children.
- Plan to use when the survivors children are in a safe place and in the custody of an adult.
- Plan to use in a safe place.
- Plan to ensure that the survivor has a safe way to return home.
- Provide information about treatment programs.

Safety for Staff AND Survivors

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- Safety planning is key to all work with survivors – whether in your office, the shelter, the survivor's home, or in the community
- Thoroughly discuss with each survivor how to best integrate your services into her safety plan
- Know how survivor wants you to handle it if someone she knows sees you together and wonders who you are
- Have a plan for what you'll say/do if you encounter the abuser
- Avoid doing home visits if:
 - Abuser knows housing location and is not staying away
 - Abuser's behavior includes stalking/following survivor
- Ensure your program knows where you are
- Follow your instincts and keep your cell phone charged and handy

Criminal Legal System

- A good relationship with local law enforcement is necessary for any housing/homeless provider
- Keep in mind that a survivor may not necessarily want law enforcement involvement for many reasons:
 - Immigrant and has fears about police from country of origin
 - Doesn't want partner arrested (income source or potential to be deported)
 - Undocumented immigrant
 - May have warrants
 - From historically oppressed community; police intervention not viewed as helpful or welcome

Civil Legal System & Protection Orders

- Protection Orders—order issued by the court as a result of a petition by victim for protection from abuser
- Orders must be observed in any jurisdiction (Full Faith & Credit)
- Survivors may not choose to petition for an order due to safety concerns—important that the program not require her to get a protection order

Residential Landlord Tenant Act

- Protections in RCW 59.18.570-59.18.585
- Passed in 2004
- Law prior to 2004 only allowed victims to end a tenancy if they obtained a protection order and the abuser had previously violated the order and law enforcement had been contacted
- Law amended recognizing the risk this placed victims in

RCW 59.70 570

- Definitions
 - (2)-Domestic violence-
 - (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members;
 - (b) sexual assault of one family or household member by another; or
 - (c) stalking as defined in RCW [9A.46.110](#) of one family or household member by another family or household member.

Definitions

- 7) "Sexual assault" means one or more of the following:
- (a) Rape or rape of a child;
 - (b) Assault with intent to commit rape or rape of a child;
 - (c) Incest or indecent liberties;
 - (d) Child molestation;
 - (e) Sexual misconduct with a minor;
 - (f) Custodial sexual misconduct;
 - (g) Crimes with a sexual motivation;
 - (h) Sexual exploitation or commercial sex abuse of a minor;
 - (i) Promoting prostitution; or
 - (j) An attempt to commit any of the aforementioned offenses.

Definitions

- Stalking
 - (a) Intentional and repeatedly harassment or repeatedly following another person; and
 - (b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and
 - (c) The stalker either:
 - (i) Intends to frighten, intimidate, or harass the person; or
 - (ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

Definitions

- Qualified Third Party
 - Law Enforcement
 - Health care providers (defined broadly)
 - Court employees
 - Licensed mental health providers, counselors
 - Victim advocates
 - Clergy

No adverse rental decisions

- RCW 59.18.580
 - If tenant or applicant is victim of domestic violence, sexual assault or stalking:
 - Landlord may not terminate tenancy for that reason
 - May not fail to renew a tenancy
 - May not refuse to enter into a rental agreement
 - Landlord cannot make adverse rental decision if tenant has previously terminated a rental agreement due to DV, SA, stalking
 - Defense to unlawful detainer if tenant is victim
 - Penalty for violation-civil damages sustained by tenant plus court costs, attorney fees
 - Does not preclude adverse decisions based on other lawful factors
 - Tenant screening providers cannot disclose victim status or that someone previously terminated a lease due to victimization

RCW 59.18.575

- Notice to landlord-termination of rental agreement
 - **Notice in writing that tenant or household member is victim of DV, sexual assault, or stalking**
 - **And has either a valid protection order OR**
 - **Has reported the DV, SA, or stalking to “qualified third party” who has provided the tenant, or household member a written report signed by the third party**
 - **Sample form for third party provided in statute (does not have to be exactly the same, but substantially in that format) Sample form is NOT required to include the alleged perpetrator’s name, unless the alleged perpetrator is a landlord and it is requested in writing**
 - **Providing such a verification does NOT waive advocate privilege**

Termination of Rental Agreement

- Tenant discharged from obligation to pay rent at the end of the month. The tenant still is liable for the rent for the current month (with minor exceptions)
- Tenant entitled to return of full deposit (other than damages, etc)
- Other tenants on the rental agreement who are not victims are still obligated by lease
- Victims of sexual assault, stalking or other unlawful harassment by the landlord can terminate without **prior** report to third party or getting copy of protection order

Changing locks

- If tenant gets a court order granting possession of unit, the tenant can ask that the locks be changed at the tenant's expense, and not provide copy of keys to tenant restrained or excluded. Person excluded under the court order may still be liable under the rental agreement-RCW 59.18.585
- If landlord is perpetrator tenant can change or act locks to unit

Violence Against Women Act 2005

- **Housing Strategies.**
- Housing and Urban Development (HUD) Agency reporting requirements imposed on public housing applicants must include any plans to address domestic violence, dating violence, sexual assault and stalking in their application.
- **McKinney-Vento Homeless Assistance Act and HMIS.** Homeless Management Information Systems must protect the confidentiality of victims of domestic violence, dating violence, sexual assault and stalking seeking housing assistance. It requires that grantees and subgrantees of HUD funding reasonably protect the identity of victims by refraining from disclosing personally identifying information. This section would also prevents the Secretary from requiring a grantee to disclose the identity of a client if the grantee reasonably believes that client is the victims of domestic violence, dating violence, sexual assault, or stalking.

Low Income Housing Voucher Program & Public Housing - 42 U.S.C. § 1437f & 42 U.S.C. § 1437d.

- Someone who otherwise qualifies for admission or assistance cannot be denied admission to public housing or denied a Section 8 voucher on the grounds that the person is or has been a victim of domestic violence, dating violence or stalking.
- These provisions further provide incidents of “actual or threatened” domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of a lease and cannot be “good cause” for terminating the tenancy or participation in the voucher program.

Voucher/Public Housing (cont.)

- Additionally, they provide that the one-strike rule does *not* permit termination of the tenancy of an individual who is a victim of domestic violence, dating violence, or stalking based on criminal activity “directly relating” to such violence. However, the one-strike rule may still apply if the Public Housing Authority (PHA) or Section 8 landlord can show an “actual and imminent threat to other tenants or those employed at or providing service to the property” if the tenancy or voucher assistance is not terminated. Additionally, PHAs and Section 8 landlords may still terminate an abuser’s tenancy, bifurcating a lease if necessary to allow the rest of the household to remain.

Voucher/Public Housing (cont.)

- Provide that when a family holding a Section 8 voucher moves out of a unit to protect the safety of a victim of domestic violence, dating violence, or stalking who reasonably believed she would be in danger if she remained in the unit, the family may retain the voucher even if the move was in violation of a lease (so long as the family has met all other lease requirements). Previously, moving out in violation of a lease would have rendered a family ineligible for voucher assistance.

Voucher/Public Housing (cont.)

- When an individual claims that her tenancy or assistance should not be terminated because she is a victim of domestic violence, dating violence, or stalking, a PHA or Section 8 landlord may request proof that she is a victim. Acceptable proof includes certification from an attorney, domestic violence service provider, or medical professional, or a police or court record. An individual has at least 14 business days to provide the documentation. However, the public housing agency is not required to demand documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, or stalking in order to grant the protection described above.

Voucher/Public Housing (cont.)

- The provisions also require PHAs and Section 8 landlords to provide notice to tenants of their rights under VAWA and to revise leases and housing assistance payment contracts with Section 8 landlords in accordance with these protections.

Amendments in VAWA 2013

- Sec. 601. Housing protections for victims... *42 U.S.C. § 41411*
- Expands housing protections from VAWA 2005 to new “covered” federal housing programs:
 - o USDA Rural Housing properties (42 USC 1471)
 - o Low-Income Housing Tax Credit properties (26 USC 42 (h) &(i))
 - o HUD’s McKinney-Vento homeless programs (42 USC 11375; 11386; 11408)
 - o HOME Investment Partnerships program (42 USC 12755)
 - o Section 221(d)(3) Below Market Interest Rate (BMIR) Program (12 USC § 1715z-1b)
 - o Section 236 Rental Program (12 USC § 1715z-1b)
 - o HOPWA housing program
 - o Section 202 supportive housing for the elderly and
 - o Section 811 supportive housing for people with disabilities

VAWA 2013 (cont.)

- Maintains protections for currently covered programs: public housing, Section 8 vouchers and
- project-based Section 8
- Continues to bar eviction/termination due to status as victim and require landlords to maintain
- victim-tenant confidentiality, protections included in VAWA 2005
- Adds sexual assault victims to those protected by this section
- Requires notice to tenants of these rights
- Requires housing agencies to develop model emergency transfer plans
- No authorization; cost-free

A FEW RESOURCES

- **National Resource Center on Domestic Violence -**
www.nrcdv.org
- **The Northwest Network (LGBT survivors) -**
www.nwnetwork.org
- **Washington State Coalition Against Domestic Violence (WSCADV) –** www.wscadv.org
<http://www.wscadv.org/projects.cfm> , DV Housing First
<http://buildingdignity.wscadv.org/>
- **Institute on DV in the African American Community –**
www.idvacc.org
- **Asian Pacific Islander Institute on DV -** www.apiidv.org

Questions? Comments? Answers?

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